

EXHIBIT 14

NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY
VIDEOTAPED DEPOSITION OF KENNETH R. LISTER, M.D. on 03/09/2015

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND
COMPOUNDING PHARMACY,
INC. PRODUCTS LIABILITY MDL No. 2419
LITIGATION

Master Dkt:
1:13-md-02419-RWZ

~~~~~  
THIS DOCUMENT RELATES  
TO:

All Actions

~~~~~

VIDEOTAPED DEPOSITION OF
KENNETH R. LISTER, M.D.

9:03 a.m.
March 9, 2015

Suite 1100
315 Deaderick Street
Nashville, Tennessee

Blanche J. Dugas, RPR, CCR No. B-2290



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1 Q. Did they?

2 A. Yes.

3 Q. Was compounded MPA on Specialty Surgery
4 Center's formulary in 2012?

5 A. Depo-Medrol was on the Specialty Surgery
6 Center's formulary.

7 Q. I'm sorry?

8 A. Depo-Medrol was on Specialty Surgery
9 Center's formulary.

10 Q. And Depo-Medrol was the brand name for MPA;
11 right?

12 A. Depo-Medrol is the brand name, yes.

13 Q. So if the formulary specifies a branded
14 drug, does that mean that the generic version of it is
15 acceptable as well?

16 A. I do believe so, yes.

17 Q. If a formulary specifies a branded drug,
18 does that mean a compounded version of it is
19 acceptable as well?

20 A. I believe so, yes.

21 Q. And why do you believe that?

22 A. Because I believe they're equivalent
23 medications.

24 (Exhibit 89 was marked for
25 identification.)



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1 (Exhibit 91 was marked for
2 identification.)

3 Q. (By Mr. Chalos) I'm going to hand you what
4 we'll mark as Exhibit 91. It's SSC-00953 through
5 SSC-00960, and it says "SSC pharmaceutical services
6 policies." I'm going to ask you in particular about
7 the second page, which is the approved medications
8 section.

9 And I'm going to ask you, Doctor, just
10 about Page 00954.

11 A. Okay.

12 Q. You can --

13 A. Then I've reviewed that.

14 Q. Okay. Yeah, I mean, you can look at the
15 whole document. I'm just going to ask you about to
16 that one page for now. Do you recognize what this
17 page is here? This is Exhibit 91, Page SSC-00954?

18 A. This appears to be an SSC approved
19 medication list.

20 Q. Was this the medication list that was in
21 effect in 2012, to your knowledge?

22 A. I don't see a date on it.

23 Q. Do you know -- separate from whether
24 there's a date on the top of the document, do you know
25 whether this was --

1 A. No, I do not.

2 Q. How would we find that out?

3 MR. GIDEON: Let him finish; okay?

4 Q. (By Mr. Chalos) You've been doing great
5 all day long.

6 MR. GIDEON: You really have.

7 Sometimes you think he's finished and he's
8 not. Just let him finish.

9 THE WITNESS: Okay.

10 Q. (By Mr. Chalos) I was finished that time.
11 I'll do it again. How would we find out whether this
12 was the list of approved medications for Specialty
13 Surgery Center in 2012?

14 A. I don't know.

15 Q. Is that something Ms. Atkinson might know?

16 A. She may.

17 Q. Does Calisher & Associates have any role
18 with respect to the management of Cumberland Medical
19 Center?

20 A. Not as far as I know.

21 Q. Were the Calisher & Associates group -- was
22 the Calisher & Associates group managing Specialty
23 Surgery Center right up until the time Specialty
24 Surgery Center ceased operation?

25 A. Yes, I believe they were.



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